

IC 20-12-1

Chapter 1. Powers and Duties of Trustees Generally

IC 20-12-1-1

Purpose of chapter; powers, duties, and responsibilities; university trustees not limited by act

Sec. 1. It is the purpose of this chapter to recognize and define certain powers, duties, and responsibilities of the boards of trustees of the several universities of the state of Indiana which are supported by appropriations made by the general assembly. The powers, duties, and responsibilities referred to by this chapter are not intended to include all powers, duties, and responsibilities of the several boards, and nothing contained in this act shall be deemed to diminish or abrogate any other of the powers, duties, or responsibilities of the respective boards specifically conferred by statute or properly implied thereby.

(Formerly: Acts 1969, c.273, s.1.) As amended by P.L.2-1988, SEC.567.

IC 20-12-1-2

Trustees of Ball State University, Indiana State University, Indiana University, Purdue University, and University of Southern Indiana; powers and duties

Sec. 2. (a) The Ball State University board of trustees, Indiana State University board of trustees, the trustees of Indiana University, the trustees of Purdue University, and the University of Southern Indiana board of trustees, each as to its respective institution, shall have the power and duty:

- (1) to govern the disposition and method and purpose of use of the property owned, used, or occupied by the institution, including the governance of travel over and the assembly upon the property;
- (2) to govern, by specific regulation and other lawful means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institutions;
- (3) to govern, by lawful means, the conduct of its students, faculty, and employees, wherever the conduct might occur, to the end of preventing unlawful or objectionable acts that seriously threaten the ability of the institution to maintain its facilities available for performance of its educational activities or that are in violation of the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community;
- (4) to dismiss, suspend, or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings;
- (5) to prescribe the fees, tuition, and charges necessary or convenient to the furthering of the purposes of the institution

- and to collect the prescribed fees, tuition, and charges;
- (6) to prescribe the conditions and standards of admission of students upon the bases as are in its opinion in the best interests of the state and the institution;
- (7) to prescribe the curricula and courses of study offered by the institution and define the standards of proficiency and satisfaction within the curricula and courses established by the institution;
- (8) to award financial aid to students and groups of students out of the available resources of the institution through scholarships, fellowships, loans, remissions of fees, tuitions, charges, or other funds on the basis of financial need, excellence of academic achievement, or potential achievement or any other basis as the governing board may find to be reasonably related to the educational purposes and objectives of the institution and in the best interest of the institution and the state;
- (9) to cooperate with other institutions to the end of better assuring the availability and utilization of its total resources and opportunities to provide excellent educational opportunity for all persons;
- (10) to establish and carry out written policies for the investment of the funds of the institution in the manner provided by IC 30-4-3-3; and
- (11) to lease to any corporation, limited liability company, partnership, association, or individual real estate title to which is in the name of an institution or in the name of the state for the use and benefit of the leasing institution.

(b) A lease may be for such term and for such rental, either nominal or otherwise, as the board determines to be in the best interest of the institution. No lease shall be executed under this section for a term exceeding four (4) years unless the execution is approved by the governor and by the state budget agency. The universities shall be exempt from all property taxes on any real estate leased under this section, and the lessee shall be liable for property taxes on the leased real estate as if the real estate were owned by the lessee in fee simple, unless the lessee is a student living in university-owned facilities.

(c) This section shall not be construed to deny any tax exemption that a lessee would have under other laws if the lessee were the owner in fee simple of the real estate.

(Formerly: Acts 1969, c.273, s.2; Acts 1971, P.L.327, SEC.1; Acts 1973, P.L.226, SEC.1.) As amended by P.L.218-1985, SEC.3; P.L.210-1989, SEC.1; P.L.8-1993, SEC.261.

IC 20-12-1-3

Violation of rules of institution; punishment

Sec. 3. Conduct which constitutes a violation of the rules of the institution may be punished, after determination of guilt by lawful procedures, without regard to whether such conduct also constitutes

an offense under the criminal laws of any state or of the United States or whether it might result in civil liability of the violator to other persons.

(Formerly: Acts 1969, c.273, s.3.)

IC 20-12-1-4

Employment of personnel; delegation of power; defense and indemnity of members of governing board

Sec. 4. The individual governing boards are responsible to fulfill the powers, and duties conferred upon each by law. Each such board is authorized to employ such officers, faculty, employees, consultants and counsel as it may deem necessary or convenient to aid in the formulation and implementation of its policies and to execute its will within its particular institution. To such end each board may delegate to such persons and to others such authority as it may possess; Provided, That no manner of delegation shall be irrevocable. Each board may provide (1) for the defense of such persons and of members of the governing board in any suit arising out of the performance of his duties for, or employment with, its respective institution, provided the governing board by resolution determines that such action was taken in good faith, and (2) for saving any such person or member harmless from any liability, cost or damage in connection therewith, including, but not limited to the payment of any legal fees, except where such liability, cost or damage is predicated on, or arises out of the bad faith of such person or member, or is based on his malfeasance in office or employment.

(Formerly: Acts 1969, c.273, s.4; Acts 1971, P.L.328, SEC.1.)

IC 20-12-1-5

Status of students and faculty intact

Sec. 5. Nothing in this chapter shall be deemed to discourage or disparage the status of students, faculty, and other persons or the valid concerns of the public in matters of policy and of management of the universities of this state.

(Formerly: Acts 1969, c.273, s.5.) As amended by P.L.2-1988, SEC.568.

IC 20-12-1-6

Applicability of chapter

Sec. 6. The provisions of this chapter shall be applicable to each university declared after March 15, 1969, by the general assembly to be a university of the state.

(Formerly: Acts 1969, c.273, s.7.) As amended by P.L.2-1988, SEC.569.

IC 20-12-1-7

Collections; additional fees and costs

Sec. 7. Notwithstanding any other law, a state educational institution (as defined in IC 20-12-0.5-1), in collecting amounts owed it, may, in the event of default and referral to an attorney or

collection agency, add to the amount collected the following:

- (1) The amount of attorney's fees incurred in the collection of the debt.
- (2) The amount of collection agency fees incurred in the collection of the debt.
- (3) The amount of court costs incurred in the collection of the debt.

As added by P.L.143-1986, SEC.1.

IC 20-12-1-8

Protection of employees reporting violations of federal, state, or local laws; disciplinary actions; procedures

Sec. 8. (a) An employee of a state educational institution (as defined in IC 20-12-0.5-1) may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the supervisor or the appointing authority or to any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(G) or IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

(b) For having made a report under subsection (a), an employee may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority or the appointing authority's designee. However, any employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure set forth in any personnel policy or collective bargaining agreement adopted by the state educational institution.

(d) An employer who violates this section commits a Class A infraction.

As added by P.L.32-1987, SEC.2. Amended by P.L.9-1990, SEC.13.

IC 20-12-1-9

Postsecondary level academic credit

Sec. 9. (a) A state educational institution may elect to permit a student who:

- (1) receives a secondary level certificate of achievement in a particular subject or skill area; and
- (2) satisfies the standards for receipt of academic credit as determined by a state educational institution;

to receive postsecondary level academic credit at the state educational institution for the secondary level certificate of achievement.

(b) Each state educational institution shall prepare and make available to students and high school guidance counselors a report indicating the:

- (1) extent to which; and
- (2) conditions under which;

postsecondary level academic credit may be granted under this section.

As added by P.L.19-1992, SEC.47.

IC 20-12-1-10

Postsecondary level certificates of achievement; standards

Sec. 10. (a) As used in this section, "requisite proficiency" means the satisfaction by a student of the standards approved by the workforce proficiency panel within the department of workforce development under subsection (d) to receive a postsecondary level certificate of achievement in a technical field.

(b) As used in this section, "student" refers to a student who is enrolled in a state educational institution in a technical education program.

(c) As used in this section, "technical education program" means a postsecondary level technical education program:

- (1) offered by a state educational institution;
- (2) approved by the commission for higher education under IC 20-12-0.5-8; and
- (3) of less than a baccalaureate degree.

(d) The workforce proficiency panel within the department of workforce development shall adopt for:

- (1) statewide implementation by the 1994-95 school year; and
- (2) each postsecondary level technical education program;

the standards for each certificate of achievement and the instrument or assessment by which a student is given the opportunity to demonstrate the requisite proficiency.

(e) The workforce proficiency panel within the department of workforce development, the state educational institutions, the Indiana state board of education, and the commission for higher education shall cooperate with each other to implement this section.

(f) The postsecondary level certificate of achievement assessment

instruments must provide each student with the opportunity to demonstrate the requisite proficiency in the subject or skill area in an applied manner.

(g) This section may not be construed to require a state educational institution to offer opportunities for postsecondary level certificates of achievement for technical programs that the state educational institution does not offer.

(h) The Indiana commission on vocational and technical education within the department of workforce development shall do the following:

(1) Provide opportunities for adult learners to achieve a postsecondary level certificate of achievement.

(2) Adopt rules under IC 4-22-2 to implement this section in accordance with the recommendations of the workforce proficiency panel concerning standards for the certificates of achievement.

As added by P.L.19-1992, SEC.48. Amended by P.L.21-1995, SEC.59.

IC 20-12-1-11

Library automation standards; compliance

Sec. 11. The board of trustees of each state educational institution (as defined in IC 20-12-0.5-1) shall comply with the library automation standards established by the state library board under IC 4-23-7.1-11(b).

As added by P.L.25-1992, SEC.7.